

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY DOMINICK,

Plaintiff,

V.

KAMALA D. HARRIS, et al.,

## Defendants.

Case No.17-cv-04485-JD

## **ORDER DISMISSING CASE**

## Deutschlands.

On July 10, 2018, the Court dismissed with leave to amend the complaint filed by pro se plaintiff Dominick. Dkt. No. 47. The order expressly advised him that failure to file an amended complaint by August 7, 2018 would result in dismissal of the case with prejudice under Federal Rule of Civil Procedure 41(b). *Id.* As of the date of this order, Dominick has not filed an amended complaint.

The Court has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). The Court finds that notwithstanding the public policy favoring the disposition of actions on their merits, the Court's need to manage its docket and the public interest in the expeditious resolution of the litigation warrant dismissal of this action. There is no appropriate less drastic sanction in light of plaintiff's failure to file an amended complaint in a timely manner. And as discussed in the prior dismissal order, the complaint was not a coherent statement of facts or claims.

The case is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for plaintiff's failure to prosecute.

## IT IS SO ORDERED.

Dated: August 14, 2018

  
JAMES DONATO  
United States District Judge